

1 THE HONORABLE JOHN C. COUGHENOUR  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
SEATTLE DIVISION

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10 ELIZABETH SOLIS and VICTOR SOLIS, a  
marital community,

11 Plaintiffs,

12 v.

13 ESSEX PROPERTY TRUST, INC., d/b/a/  
ESSEX PROPERTY, INC., a foreign  
14 corporation, ESSEX MANAGEMENT  
CORPORATION, INC., ESSEX  
15 PORTFOLIO, L.P., a foreign limited  
partnership, XYZ CO., a foreign corporation,  
16 limited liability company, limited liability  
partnership, partnership or sole proprietorship,

17 Defendant.

18 Case No. 2:21-cv-01650

19 STIPULATED MOTION AND  
[PROPOSED] ORDER FOR REMAND

20 NOTED FOR HEARING:  
DECEMBER 23, 2021

21 **STIPULATED MOTION**

22 Plaintiffs Elizabeth and Victor Solis (“Plaintiffs”) and Defendants Essex Management  
23 Corporation, Essex Property Trust, Inc., and Essex Portfolio, L.P. (collectively “Essex  
24 Defendants”) stipulate as follows:

25 1. On March 17, 2021, Plaintiffs commenced an action in the Superior Court of  
the State of Washington in and for the County of King, entitled *Elizabeth Solis and Victor Solis*  
26 *v. Essex Property Trust, Inc. d/b/a Essex Property, Inc., XYZ Co*, case number 21-2-03556-2  
SEA (the “Action”). On May 7, 2021, Plaintiffs filed an Amended Complaint for Damages

STIPULATED MOTION AND [PROPOSED] ORDER FOR  
REMAND - 1

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1 adding Essex Portfolio, L.P. as a defendant.

2       2. On December 9, 2021, Essex Defendants filed a Notice of Removal of the  
3 Action to the United States District Court for the Western District of Washington pursuant to  
4 28 U.S.C. §§ 1332, 1441, and 1446. (Dkt. # 1)

5       3. Following the Removal of the Action, Essex Defendants were notified that a  
6 limited partner of Essex Portfolio LP recently relocated from California to Washington, and is  
7 now domiciled in Washington. Counsel for Essex Defendants' notified Plaintiffs' Counsel of  
8 this information on December 21, 2021.

9       4. Given that the citizenship of a Limited Partnership (LP), for diversity purposes,  
10 is determined by the citizenship of the LP's members, the Parties agree that the Action should  
11 be remanded to the King County Superior Court. *Johnson v. Columbia Properties Anchorage,*  
12 *LP*, 437 F.3d 894, 899 (9th Cir. 2003) ("[A] partnership is a citizen of all of the states of which  
13 its partners are citizens").

14       5. The Parties further stipulate that each party shall bear its own attorneys' fees  
15 and costs with respect to the removal and subsequent remand of the Action pursuant to this  
16 stipulation and order.

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STIPULATED MOTION AND [PROPOSED] ORDER FOR  
REMAND - 2

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1 Dated this 23<sup>rd</sup> day of December, 2021.  
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Management Corporation, Essex Property  
Trust, Inc. and Essex Portfolio, L.P.*

13 **ORDER**

14 On December 23<sup>rd</sup>, 2021, the Parties in the above-referenced action filed a Stipulated  
15 Motion to Remand the Action. The Court having reviewed the Stipulation and good cause  
16 appearing, order as follows:

- 17 1. The Parties' stipulated motion is approved; and  
18 2. Western District of Washington Case No. 2:21-cv-01650 styled *Elizabeth and*  
19 *Victor Solis vs. Essex Property Trust, Inc., d/b/a Essex Property Inc., Essex Management*  
20 *Corporation, Inc., Essex Portfolio, L.P., and XYZ Co.*, is hereby remanded to King County  
21 Superior Court.

22 **IT IS SO ORDERED.**

23 Dated this \_\_\_\_ day of December, 2021  
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UNITED STATES DISTRICT JUDGE

26 STIPULATED MOTION AND [PROPOSED] ORDER FOR  
REMAND - 3

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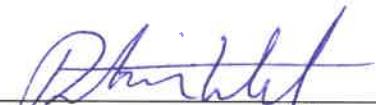
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22 REMAND - 4

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